

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01283-EGS

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF
 COMMERCE

Assigned to: Judge Emmet G. Sullivan
 Cause: 05:552 Freedom of Information Act

Date Filed: 06/29/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Chris Fedeli**
 JUDICIAL WATCH, INC.
 425 Third Street, SW
 Suite 800
 Washington, DC 20024
 (202) 646-5172
 Fax: (202) 646-5185
 Email: cfedeli@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
 COMMERCE**

represented by **Marsha Wellknown Yee**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Room 5241
 Washington, DC 20540
 (202) 252-2539
 Fax: (202) 252-2599
 Email: marsha.yee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/29/2017	<u>1</u>	COMPLAINT against JUDICIAL WATCH, INC. (Filing fee \$ 400 receipt number 0090-5012633) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons USOA, # <u>3</u> Summons USAG, # <u>4</u> Summons DoC)(Fedeli, Chris) (Entered: 06/29/2017)
06/29/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Fedeli, Chris) (Entered: 06/29/2017)
06/29/2017		Case Assigned to Judge Emmet G. Sullivan. (jd) (Entered: 06/29/2017)
06/29/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 06/29/2017)
07/14/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/10/2017. (Answer due for ALL FEDERAL DEFENDANTS by 8/9/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/13/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 7/10/2017 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Fedeli, Chris) (Entered: 07/14/2017)

07/19/2017	<u>5</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 7/19/2017. (Attachments: # <u>1</u> Exhibit) (lcegs1) (Entered: 07/19/2017)
08/09/2017	<u>6</u>	NOTICE of Appearance by Marsha Wellknown Yee on behalf of U.S. DEPARTMENT OF COMMERCE (Yee, Marsha) (Entered: 08/09/2017)
08/09/2017	<u>7</u>	NOTICE <i>Regarding Correct Date of Service</i> by U.S. DEPARTMENT OF COMMERCE (Yee, Marsha) (Entered: 08/09/2017)
08/14/2017	<u>8</u>	Consent MOTION for Extension of Time to <i>File Defendant's Response to Plaintiff's Complaint</i> by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 08/14/2017)
08/31/2017	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF COMMERCE.(Yee, Marsha) (Entered: 08/31/2017)
09/06/2017		MINUTE ORDER granting <u>8</u> defendant's consent motion for extension of time to file a response to plaintiff's complaint. Signed by Judge Emmet G. Sullivan on 9/6/2017. (lcegs3) (Entered: 09/06/2017)
09/11/2017		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than October 12, 2017. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 9/11/2017. (lcegs3) (Entered: 09/11/2017)
09/12/2017		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 10/12/2017. (mac) (Entered: 09/12/2017)
10/12/2017	<u>10</u>	PROPOSED BRIEFING SCHEDULE by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 10/12/2017)
10/16/2017		MINUTE ORDER in view of <u>10</u> parties' joint proposed schedule, it is hereby ordered that the parties shall file a Joint Status Report by January 30, 2018 that shall either propose a filing schedule for dispositive motions or request additional time for the parties to try to resolve any issues without the Court's involvement. Signed by Judge Emmet G. Sullivan on 10/16/2017. (lcegs3) (Entered: 10/16/2017)
10/16/2017		Set/Reset Deadlines: Joint Status Report due by 1/30/2018. (mac) (Entered: 10/16/2017)
01/30/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 01/30/2018)
01/30/2018		MINUTE ORDER in view of <u>11</u> parties' joint status report, it is hereby ordered that the parties shall file a Joint Status Report by March 6, 2018 that shall either propose a filing schedule for dispositive motions or request additional time for the parties to try to resolve any issues without the Court's involvement. Signed by Judge Emmet G. Sullivan on 1/30/2018. (lcegs3) (Entered: 01/30/2018)
01/31/2018		Set/Reset Deadlines: Joint Status Report due by 3/6/2018. (mac) (Entered: 01/31/2018)
03/06/2018	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 03/06/2018)
03/27/2018	<u>13</u>	MOTION for Briefing Schedule by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Fedeli, Chris) (Entered: 03/27/2018)

03/30/2018		MINUTE ORDER granting <u>13</u> plaintiff's unopposed motion for a briefing schedule. Parties shall therefore adhere to the following briefing schedule: defendant's motion for summary judgment shall be filed by May 23, 2018; plaintiff's opposition and any cross-motion for summary judgment shall be filed by June 25, 2018; defendants opposition and reply shall be filed by July 26, 2018; and Plaintiffs reply shall be filed by August 16, 2018. Signed by Judge Emmet G. Sullivan on 3/30/2018. (lcegs3) (Entered: 03/30/2018)
03/30/2018		Set/Reset Deadlines: Defendant's Motion For Summary Judgment due by 5/23/2018. Plaintiff's Opposition And Any Cross-Motion For Summary Judgment due by 6/25/2018. Defendants Opposition And Reply due by 7/26/2018. Plaintiffs Reply due by 8/16/2018. (mac) (Entered: 03/30/2018)
05/23/2018	<u>14</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Mark H. Graff, # <u>3</u> Text of Proposed Order)(Yee, Marsha) (Entered: 05/23/2018)
06/20/2018	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Statement of Facts)(Fedeli, Chris) (Entered: 06/20/2018)
06/20/2018	<u>16</u>	Cross MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Fedeli, Chris) (Entered: 06/20/2018)
07/26/2018	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Def.'s Resps. to Pl.'s SMF, # <u>2</u> Second Decl. of Mark H. Graff, # <u>3</u> Exhibit 3 (Revised Vaughn Index), # <u>4</u> Exhibit 4)(Yee, Marsha) (Entered: 07/26/2018)
07/26/2018	<u>18</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Def.'s Resps. to Pl.'s SMF, # <u>2</u> Second Decl. of Mark H. Graff, # <u>3</u> Exhibit 3 (Revised Vaughn Index), # <u>4</u> Exhibit 4, # <u>5</u> Text of Proposed Order)(Yee, Marsha) (Entered: 07/26/2018)
08/09/2018	<u>19</u>	REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 08/09/2018)
03/22/2019	<u>20</u>	ORDER DENYING <u>14</u> Commerce's motion for summary judgment and GRANTING in PART, DENYING in PART, and HOLDING IN ABEYANCE <u>16</u> Judicial Watch's motion for summary judgment. Signed by Judge Emmet G. Sullivan on 3/22/2019. (lcegs2) (Entered: 03/22/2019)
03/22/2019	<u>21</u>	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on 3/22/2019. (lcegs2) (Entered: 03/22/2019)
03/25/2019		Set/Reset Deadlines: Proposed Schedule due by 4/12/2019. (mac) (Entered: 03/25/2019)
04/10/2019	<u>22</u>	PROPOSED BRIEFING SCHEDULE (<i>JOINT</i>) by U.S. DEPARTMENT OF COMMERCE. (Yee, Marsha) (Entered: 04/10/2019)
04/12/2019		MINUTE ORDER. Upon consideration of <u>22</u> the parties' joint proposed briefing schedule the following schedule shall govern these proceedings: Defendant shall file its renewed motion for summary judgment by no later than May 15, 2019. Plaintiff shall file its opposition and renewed cross-motion for summary judgment by no later than June 14, 2019. Defendant shall file its reply, and opposition to plaintiff's motion by no later than July 15, 2019. Plaintiff shall file its reply by no later than August 12, 2019. Signed by Judge Emmet G. Sullivan on 4/12/2019 (lcegs2) (Entered: 04/12/2019)
04/15/2019		Set/Reset Deadlines: Defendant Renewed Motion For Summary Judgment due by 5/15/2019. Plaintiff Opposition And Renewed Cross-Motion For Summary Judgment due by 6/14/2019. Defendant Reply And Opposition To Plaintiff's Motion due by 7/15/2019. Plaintiff Reply due by 8/12/2019. (mac) (Entered: 04/15/2019)
05/15/2019	<u>23</u>	Renewed MOTION for Summary Judgment by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Third Graff Decl. and Exhibits 1-3, # <u>3</u> Text of Proposed Order)(Yee, Marsha) Modified on 5/16/2019 (jf).

		(Entered: 05/15/2019)
06/11/2019	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Statement of Facts)(Fedeli, Chris) (Entered: 06/11/2019)
06/11/2019	<u>25</u>	Second MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Fedeli, Chris) (Entered: 06/11/2019)
07/15/2019	<u>26</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Def.'s Resps. to Pl's Statement of Material Facts, # <u>2</u> Text of Proposed Order)(Yee, Marsha) (Entered: 07/15/2019)
07/15/2019	<u>27</u>	Memorandum in opposition to re <u>25</u> Second MOTION for Summary Judgment filed by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Def.'s Resps. to Pl.'s Statement of Material Facts, # <u>2</u> Text of Proposed Order)(Yee, Marsha) (Entered: 07/15/2019)
07/22/2019	<u>28</u>	REPLY to opposition to motion re <u>25</u> Second MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 07/22/2019)